

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ALABAMA
NORTHEASTERN DIVISION**

LEWIS DESHAUN LANCASTER,)	
)	
Petitioner,)	
)	
v.)	Case No. 5:22-cv-00611-MHH-NAD
)	
RON PUCKETT, et al.,)	
)	
Respondents.)	

MEMORANDUM OPINION

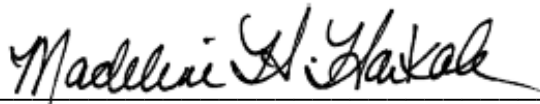
On October 23, 2023, the magistrate judge entered a report in which he recommended that the Court dismiss Lewis DeShaun Lancaster's 28 U.S.C. § 2254 habeas petition because Mr. Lancaster has not fully exhausted his constitutional claims in state court. (Doc. 9). The magistrate judge advised parties of their right to file objections to the report within 14 days. (Doc. 9). Those 14 days have expired, and the Court has not received objections.

For the reasons stated in the magistrate judge's report, by separate order, the Court will dismiss Mr. Lancaster's § 2254 petition for writ of habeas corpus based on his failure to exhaust his state court remedies. If Mr. Lancaster wishes to pursue his constitutional arguments in federal court, he first must fully exhaust those arguments in state court via a Rule 32 petition for collateral review. (Doc. 9, p. 5).¹

¹ See Doc. 9, p. 5, n. 3 (citing Ala. R. Crim. P. 32.2(c)) regarding the time limit for Rule 32 petitions.

Because Mr. Lancaster's petition does not present issues that are debatable among jurists of reason, the Court will not issue a certificate of appealability. *See* 28 U.S.C. § 2253(c); *Slack v. McDaniel*, 529 U.S. 473, 484-85 (2000); Rule 11(a), Rules Governing § 2254 Proceedings.

DONE and **ORDERED** this November 16, 2023.



MADELINE HUGHES HAIKALA
UNITED STATES DISTRICT JUDGE